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SIPDIS

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TAGS: CASC CJAN FR

SUBJECT: FRENCH MFA OFFICIALS CLARIFY GOF INTERPRETATION OF VIENNA CONVENTION NOTIFICATION REQUIREMENTS?

Refs: (A) PARIS 2448, (B) 01 STATE 10160, (C) 04 PARIS 5995

¶1. Summary. In an April 18 meeting with post regarding notification of detained AmCits, French MFA officials clarified their interpretation of the Vienna Convention term "without delay" in Article 36 as being a period up to ten days. They remained ambiguous in their interpretation of the term "detention". Post will continue to press the GOF to expand on its interpretation and reduce its lag in notification. End Summary.

¶2. Conoff and SCS Assistant met with MFA officials to discuss the GOF's interpretation of the Vienna Convention on Consular Relations of 1963 (VCCR), focusing on consular notification and the GOF interpretation of the VCCR terms "without delay" and "detention." During the meeting, we learned that:

- Although there is a GOF procedure for consular notification that goes through the Ministry of Justice, the MFA officials were uncertain how and when foreign prisoners were informed of their right to consular notification and resolved to further investigate the matter and advise us of the results.

- The Deputy Director for Conventions interprets "without delay" to be a lengthy period ranging from 48 hours up to ten days.

- MFA officials are non-committal in their interpretation of "detention", implying they consider it to be imprisonment. The Director of French Prisoners Overseas did however opine that "Garde à Vue" (refs A and C) was essentially tantamount to detention.

- The Deputy Director for Conventions wants to be informed of past cases where we received delayed notification, as well as all future instances.

¶3. Post will take the following actions in response to this meeting:

- In response to their request, we will provide the MFA with information of all instances of delayed notification dating back to 2000.

- We will contact the MFA whenever we receive delayed notification or none at all.

- We will continue to seek clarification on the official GOF interpretation of "detention" and "without delay".

WOLFF